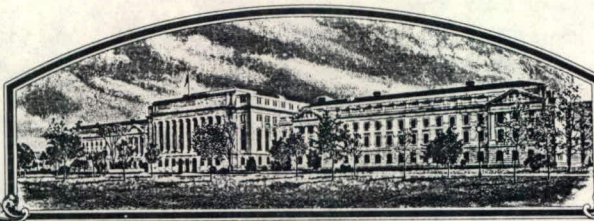


No.

8300113



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Moran Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MUSKMELON

'Top Net SR'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 31st day of August in the year of our Lord one thousand nine hundred and eighty-four.

Attest:

Kenneth H. Evans
Commissioner

Plant Variety Protection Office
Livestock, Meat, Grain & Seed Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

THE UNIVERSITY OF CHICAGO

1883



APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY Experimental 1016		1b. VARIETY NAME Top Net SR		FOR OFFICIAL USE ONLY PV NUMBER 8300113	
2. KIND NAME Muskmelon		3. GENUS AND SPECIES NAME Cucumis melo		FILING DATE 4/18/83	TIME 3:00 P.M.
4. FAMILY NAME (BOTANICAL) Cucurbitaceae		5. DATE OF DETERMINATION June 23, 1982		FEE RECEIVED \$ 1,000 \$ 500.00	DATE 4/18/83 8/13/84
6. NAME OF APPLICANT(S) Moran Seeds, Inc.		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) 1155 Harkins Rd. Salinas, CA. 93901		8. TELEPHONE AREA CODE AND NUMBER (408) 757-3651	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Corporation		10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION Delaware		11. DATE OF INCORPORATION 4/29/64	
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: John H. Howell, Moran Seeds, Inc. - 1155 Harkins Rd. Salinas, CA93901					

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Novelty Statement.
- ☒ 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- ☒ 13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☐ YES ☒ NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☒ NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

March 11, 1983
(DATE)

MORAN SEEDS, INC.

(SIGNATURE OF APPLICANT)

(DATE)

by John H. Howell Plant Breeder
(SIGNATURE OF APPLICANT)

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EXHIBIT AORIGIN AND BREEDING HISTORY OF THE TOP NET SR VARIETY

1. Top Net SR is an open-pollinated Western shipping type variety resulting from the cross PMR 45 x Top Mark. Following the cross, type selection under field conditions for the fully netted characteristic of the male parent, Top Mark, was conducted for two generations. Occurrence of the rib or suture characteristic of the female parent, PMR 45, was thereby effectively reduced to 0.2% of the population in the third generation, at which time the variety became stabilized.
2. In 1979 three selfed fruit were obtained from a single Top Net plant expressing resistance to sulfur burn in an Imperial Valley planting which had been sulfur-dusted at the standard application rate of 35 lbs. dusting sulfur per acre. This seed was trialed in 1980 and found to be horticulturally identical to the Top Net variety in Westside plantings, as well as 100% sulfur resistant in Imperial area plantings. A foundation seed increase (third SR generation) was made in 1981. The fourth SR generation of this sulfur resistant line was grown in 1982 as a 1 acre stockseed increase. In all horticultural characters the new line was identical to its parent variety Top Net. Only in reaction to sulfur was it different. The new line continued to express sulfur resistance, whereas the parent Top Net variety carries only tolerance to sulfur drift. This fourth SR generation stockseed was further trialed with results substantiating that it is a true-breeding sulfur resistant line. A fifth SR generation commercial seed production increase grown in 1982 immediately after the stockseed increase also exhibited the true-breeding character of the new Top Net SR strain.

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3. In addition to sulfur resistance and selection for the fully-netted appearance of the fruit, selection pressure has been applied for other fruit characteristics, including:

1. Small stem scar (less than 18mm diameter)
2. Small blossom scar (less than 26mm diameter)
3. Slight oval-round shape
4. Dark orange flesh color
5. High percent soluble solids(12% - 16%)
6. Small and tight seed cavity (less than 63mm diameter)

EXHIBIT BNOVELTY STATEMENT

Top Net SR is differentiated from standard Top Net, which is its parent variety and the variety it most closely resembles, by its resistant reaction to sulfur. Top Net SR expresses the same resistant reaction to sulfur as that of Top Mark, the commonly grown sulfur resistant variety in the Imperial Valley. By contrast the standard Top Net parent variety expresses only tolerance to sulfur and will not withstand sulfur dusting without burning injury. Standard Top Net is labeled sulfur tolerant because it tolerates sulfur drift from adjacent field applications, as opposed to the sulfur susceptible PMR 45 variety which is susceptible to sulfur and will express burning simply as a result of drift from an adjacent field application.

While Top Net SR and Top Mark are both fully-netted sulfur resistant varieties, they are readily differentiated in that Top Net SR expresses faint ovary longitudinal lines in the blossom and post-bloom stage, while Top Mark does not. Furthermore, Top Net SR is tolerant to powdery mildew (Spherotheca fuliginea race 1) and Top Mark is susceptible. Top Net SR is approximately four days earlier maturing than Top Mark.

Selected characteristics of Top Net SR as compared with the two most similar varieties, Top Net and Top Mark, are tabulated as follows:

CHARACTERISTIC	TOP NET SR	TOP NET	TOP MARK
1. Sulfur reaction(SR)	resistant	tolerant	resistant
2. Ovary longitudinal lines, blossom stage and post-bloom stage	faint	faint	absent
3. Powdery mildew reaction(<u>Spherotheca fuliginea</u> race 1)	tolerant	tolerant	susceptible
4. Average maturity, days	78	78	82
5. Vine size	medium	medium	large

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NAME OF APPLICANT(S)

MORAN SEEDS, INC.

VARIETY NAME OR TEMPORARY DESIGNATION

TOP NET SR

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)

1155 Harkins Rd.
Salinas, CA 93901

FOR OFFICIAL USE ONLY

PVPO NUMBER

8300113

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. or) when number is either 99 or less.

1. TYPE:

1 = PERSIAN 2 = HONEY DEW 3 = CASABA 4 = CRENSHAW 5 = COMMON OR SUMMER
6 = OTHER

2. AREA OF BEST ADAPTATION IN U.S.A.

1 = SOUTHEAST 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. MATURITY (FROM SEEDING TO HARVEST):

DAYS

NO. DAYS EARLIER THAN

NO. DAYS LATER THAN

a1 = FORDHOOK GEM (EARLY)
2 = DELICIOUS 51 (MIDSEASON)
3 = HONEY DEW (LATE)
4 = OTHER (Specify)

(4a) Top Mark; (4b) PMR 45

b

4. PLANT:

1 = ANDROMONOECIOUS 2 = MONOECIOUS 3 = GYNOECIOUS 4 = OTHER

1 = VINE 2 = SEMI-BUSH 3 = BUSH

5. LEAF (MATURE BLADE OF THIRD LEAF)

SHAPE: 1 = ORBICULAR 2 = OVATE 3 = RENIFORM

1 = NOT LOBED 2 = SHALLOWLY LOBED 3 = DEEPLY LOBED

1 = LIGHT GREEN (HONEY DEW) 2 = MEDIUM GREEN 3 = DK. GREEN (RIO GOLD)

mm LENGTH

mm WIDTH

SURFACE: 1 = PUBESCENT 2 = GLABROUS 3 = SCABROUS

6. FRUIT (AT EDIBLE MATURITY):

cm LENGTH

cm DIAMETER

gm WEIGHT

SHAPE: 1 = OBLATE 2 = OVAL 3 = ROUND 4 = ELONGATE-CYLINDRICAL 5 = SPINDLE 6 = ACORN

SURFACE: 1 = SMOOTH 2 = NETTED 3 = CORRUGATED 4 = WARTED

BLOSSOM SCAR: 1 = OBSCURE 2 = CONSPICUOUS

RIBS: 1 = ABSENT 2 = PRESENT

NO. RIBS PER FRUIT

mm RIB WIDTH AT MEDIAL

RIBS:

1 = SMOOTH

2 = NETTED

SUTURES:

1 = SHALLOW (GOLDEN DELIGHT) 2 = MEDIUM 3 = DEEP (HACKENSACK)

1 = SMOOTH 2 = NETTED

SHIPPING QUALITY: 1 = POOR (HOME GARDEN) 2 = FAIR (SHORT DISTANCE SHIPPING)
3 = EXCELLENT (LONG DISTANCE SHIPPING)

FRUIT ABSCISE: 1 = WHEN RIPE 2 = WHEN OVERRIPE 3 = DO NOT ABSCISS

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7. RIND NET:

3	1 = ABSENT	2 = SPARSE	3 = ABUNDANT	
2	DISTRIBUTION:	1 = SPOTTY	2 = COVERS ENTIRE FRUIT	
2	COARSENESS:	1 = FINE	2 = MEDIUM COARSE	3 = VERY COARSE
3	INTERLACING:	1 = NONE	2 = SOME	3 = COMPLETE
2	INTERSTICES:	1 = SHALLOW	2 = MEDIUM DEEP	3 = DEEP

8. RIND TEXTURE:

3	1 = SOFT	2 = FIRM	3 = HARD	<table border="1"><tr><td>1</td><td>0</td></tr></table> mm THICKNESS AT MEDIAL	1	0
1	0					

9. RIND COLOR (AT EDIBLE MATURITY):

COLORS: (SELECT TWO WHEN NECESSARY, i.e., CREAMY YELLOW

0	2	0	4
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)

01 = WHITE 02 = CREAM 03 = BUFF 04 = YELLOW 05 = GOLD 06 = GREEN 07 = ORANGE 08 = BRONZ
 09 = BROWN 10 = GRAY 11 = BLACK 12 = OTHER (Specify) None

0	4	0	7
0	0	0	3

PRIMARY COLOR
NET COLOR

0	0	1	2
0	0	1	2

MOTTLING COLOR
FURROW (SUTURE) COLOR

RIND COLOR (AT FULL MATURITY)

0	5	0	7
0	0	0	3

PRIMARY COLOR
NET COLOR

0	0	1	2
0	0	1	2

MOTTLING COLOR
FURROW (SUTURE) COLOR

10. FLESH (AT EDIBLE MATURITY):

COLORS: (SELECT TWO WHEN NECESSARY, i.e., CREAMY YELLOW

2	3
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1 = WHITE 2 = CREAM 3 = YELLOW 4 = GREEN 5 = ORANGE 6 = SALMON 7 = PINK
 8 = OTHER (Specify) _____

<table border="1"><tr><td>0</td><td>5</td></tr><tr><td>1</td><td>3</td></tr><tr><td>1</td><td>0</td></tr><tr><td>2</td><td></td></tr><tr><td>2</td><td></td></tr></table>	0	5	1	3	1	0	2		2		COLOR NEAR CAVITY	<table border="1"><tr><td>0</td><td>5</td></tr></table>	0	5	COLOR IN CENTER	<table border="1"><tr><td>0</td><td>5</td></tr></table>	0	5	COLOR NEAR RIND
0	5																		
1	3																		
1	0																		
2																			
2																			
0	5																		
0	5																		
REFRACTOMETER % SOLUABLE SOLIDS (CENTER OF FLESH) <u>PMR 45</u>																			
% SOLUABLE SOLIDS FOR CHECK VARIETY (Specify variety _____)																			
AROMA: 1 = ABSENT 2 = FAINT 3 = STRONG																			
FLAVOR: 1 = MILD 2 = SOMEWHAT SPICY 3 = VERY SPICY																			

11. SEED CAVITY:

<table border="1"><tr><td>0</td><td>9</td><td>0</td></tr></table> mm LENGTH	0	9	0	<table border="1"><tr><td>5</td><td>7</td></tr></table> mm WIDTH	5	7
0	9	0				
5	7					
SHAPE IN X-SECTION: 1 = CIRCULAR 2 = TRIANGULAR						

12. SEEDS:

<table border="1"><tr><td>4</td><td>8</td><td>0</td></tr></table> NO. PER FRUIT	4	8	0	<table border="1"><tr><td>0</td><td>2</td><td>4</td></tr></table> gm PER 1,000	0	2	4
4	8	0					
0	2	4					

13. DISEASE RESISTANCE * (0 = UNTESTED, 1 = SUSCEPTIBLE, 2 = RESISTANT)

<table border="1"><tr><td>0</td></tr><tr><td>2</td></tr><tr><td>0</td></tr><tr><td>0</td></tr></table>	0	2	0	0	BACTERIAL WILT POWDERY MILDEW WATERMELON MOSAIC ANTHRACNOSE	<table border="1"><tr><td>0</td></tr><tr><td>0</td></tr><tr><td>0</td></tr><tr><td>0</td></tr></table>	0	0	0	0	ROOT ROT VERTICILLUM WILT DOWNY MILDEW CUCUMBER MOSAIC	<table border="1"><tr><td>0</td></tr><tr><td>2</td></tr><tr><td>0</td></tr><tr><td>0</td></tr></table>	0	2	0	0	CROWN BLIGHT SULPHUR BURN FUSARIUM WILT SQUASH MOSAIC OTHER _____	<table border="1"><tr><td>0</td></tr><tr><td>0</td></tr><tr><td>0</td></tr><tr><td>0</td></tr></table>	0	0	0	0	MELON RUST SCAB ROOT KNOT (NEMATODE) OTHER _____ OTHER _____
0																							
2																							
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* STATE GENUS, SPECIES, AND RACES WHEN KNOW, UNDER ITEM 16.

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14. INSECT RESISTANCE: (0 = UNTESTED, 1 = SUSCEPTIBLE, 2 = RESISTANT)

<div>0</div> APHID	<div>0</div> PICKLE WORM	<div>0</div> DARKLING GROUND-BEETLE	<div>0</div> BANDED CUCUMBER BEETLE
<div>0</div> MITE	<div>0</div> WESTERN SPOTTED CUCUMBER BEETLE	<div>0</div> MELON LEAFHOPPER	<div>0</div> OTHER (Specify)
<div>0</div> MELON WORM	<div>0</div> WESTERN STRIPED CUCUMBER BEETLE	<div>0</div> MELON LEAFMINER	

15. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED FOR THE FOLLOWING CHARACTERISTICS:

CHARACTER	VARIETY	CHARACTER	VARIETY
DAYS MATURITY	TOP NET	FRUIT SHAPE	TOP NET
PLANT VIGOR	"	RIND COLOR	"
PLANT HABIT	"	FLESH AROMA	"
FRUIT NETTING	"	FLESH FLAVOR	"
FRUIT SIZE	"	FLESH COLOR	"

16. ADDITIONAL INFORMATION AND COMMENTS:

Top Net SR most closely resembles Top Net, however Top Net SR is resistant to sulfur whereas Top Net is tolerant only to sulfur drift. Top Net SR is resistant to the normal crop applications of sulfur used in melon culture in the Imperial Valley area of California. The parent Top Net variety tolerates sulfur drift from adjacent crops, however it does not withstand direct crop application of sulfur.

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EXHIBIT DADDITIONAL DESCRIPTION OF THE TOP NET SR VARIETY

Top Net SR is a mid-season, 78 day, Western shipping type muskmelon in the PMR 45 - Top Mark class.

The fruit are fully netted like Top Mark (no ribs or sutures), and are a slight oval-round shape of the predominantly "36 size" (5½" dia. x 6" long). The flesh is crisp, orange, sweet (10%-16% soluble solids), of excellent flavor and aroma, and averages 1½" in thickness. The flesh maintains better crispness through full slip maturity than either Top Mark or PMR 45, resulting in more durable fruit with improved shipping capability.

The seed cavity is normally small and tight (less than 2½" dia.), with three locules and 160 seeds per locule. Rind thickness is 3/8 inch.

The leaves, vine, flowering habit and pattern of fruit set of Top Net SR are similar to those of PMR 45. Unlike PMR 45, however, Top Net SR is resistant to sulfur and PMR 45 is susceptible to sulfur. Top Net SR is intermediate in powdery mildew tolerance (Spherotheca fuliginea race 1) between PMR 45 (resistant) and Top Mark (susceptible).

Variety trials over three years have demonstrated good adaptability of Top Net SR in three major Southwestern cantaloupe-growing areas, including Yuma, Arizona and the Imperial Valley, Bakersfield, and the Westside area of the San Joaquin Valley in California.



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ASSIGNMENT

WHEREAS, Moran Seeds, Inc. ("Moran"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates (the "Certificates"), listed in Exhibit A hereto and Pending United States Plant Variety Protection Applications (the "Applications"), listed in Exhibit B hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Joseph Harris Company, Inc., CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS Acquisition Inc., CP Acquisition Inc., and Exploitiemaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, Orsan has purchased from Moran said Certificates and Applications.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Moran assigns to Orsan all of its rights, title and interest in and to said Certificates and Applications.

Moran hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Moran agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents Orsan does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10th day of January, 1985.

MORAN SEEDS, INC.,
Assignor

By: David A. Jenkins
David A. Jenkins
Vice President

LES PRODUITS ORGANIQUES DU
SANTERRE-ORSAN S.A.
Assignee

By: [Signature]
Title: Attorney-in-fact

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared David Jenkins who acknowledged that he is Vice President of Moran Seeds, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Moran Seeds, Inc.

Sworn before me at New York this 10th day
of January, 1985

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
Qualified in New York County
Commission Expires March 20, 1986

STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared Patrice LaHodoy who acknowledged that he is ~~Patrice LaHodoy~~ Patrice LaHodoy of Les Produits Organiques du Santerre-Orsan S.A., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

Sworn before me at New York this 10th
day of January, 1985.

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805121
Qualified in New York County
Commission Expires March 30, 1986

United States Plant Variety Protection Certificates

<u>Cert. No.</u>	<u>Date Issued</u>	<u>Kind</u>	<u>Variety Name</u>	<u>Owner</u>
7200145	10/30/74	Garden Bean	Gem	Moran Seeds, Inc.
7200146	11/15/74	Watermelon	Charleston 76	Moran Seeds, Inc.
7400013	5/9/74	Lettuce	Calmaria	Moran Seeds, Inc.
7400014	6/19/74	Lettuce	Cal K-60	Moran Seeds, Inc.
7400071	6/19/74	Lettuce	Cabrillo	Moran Seeds, Inc.
7600032	9/15/77	Lettuce	Vanagara	Moran Seeds, Inc.
7600039	12/8/77	Lettuce	Morangold	Moran Seeds, Inc.
7800028	5/31/79	Muskmelon	Valley Gold	Moran Seeds, Inc.
7900038	1/14/82	Garden Bean	Blue Duet	Moran Seeds, Inc.
7900039	7/15/82	Snapbean	Score	Moran Seeds, Inc.
7900066	11/27/79	Cauliflower	Snowball 123	Moran Seeds, Inc.
8000020	7/31/80	Muskmelon	Top Net	Moran Seeds, Inc.
8000082	12/10/81	Lettuce	Delmar	Moran Seeds, Inc.
8200019	10/28/82	Onion	OMO M	Moran Seeds, Inc. Oshita, Inc.
8200061	3/24/83	Watermelon	Sun Gold	Moran Seeds, Inc.
8200104	10/28/82	Tomato	Advantage	Moran Seeds, Inc.
8200105	11/26/82	Tomato	Moran 3053	Moran Seeds, Inc.
8200027	4/23/83	Lettuce	El Toro	Moran Seeds, Inc.
8100172	9/29/83	Lettuce	Van Mor	Moran Seeds, Inc.
8300113	8/31/84	Muskmelon	Top Net SR	Moran Seeds, Inc.



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Pending United States Plant Variety Protection Applications

<u>Application No.</u>	<u>Filing Date</u>	<u>Kind</u>	<u>Variety Name</u>	<u>Owner</u>
8100167	9/9/81	Lettuce	Yuma	Moran Seeds, Inc.
8300155	7/18/83	Celery	Bishop	Moran Seeds, Inc.
8300156	7/18/83	Celery	Deacon	Moran Seeds, Inc.
8300172	9/1/83	Tomato	Diego	Moran Seeds, Inc.
8400013	12/1/83	Lettuce	Greenfield	Moran Seeds, Inc.

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DEED OF ASSIGNMENT

WHEREAS, Les Produits Organiques du Santerre - ORSAN (S.A.), a French corporation having a place of business at 16 rue Ballus, 75009 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

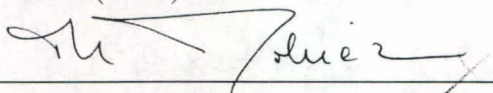
100-3

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Les Produits Organiques du Santerre
- ORSAN (S.A.)

Date: 1/11/95



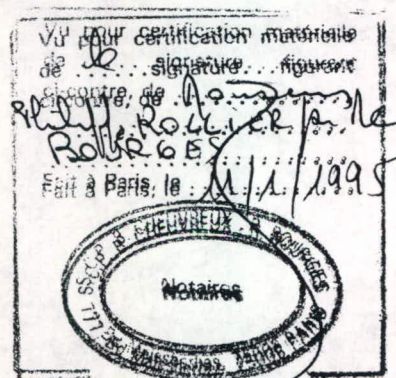
PHILIPPE ROLLIER
Print Name

PRESIDENT
Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

(Notaire)

Seal/Stamp



116

DEED OF ASSIGNMENT

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Clause (S.A.), a French corporation having a place of business at 1 Avenue Lucien Clause, 91221 Bretigny sur ORGE Cedex, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Date: 1/11/95

Arisix (S.A.)

[Signature]

R DE SAINT RAPT

Print Name

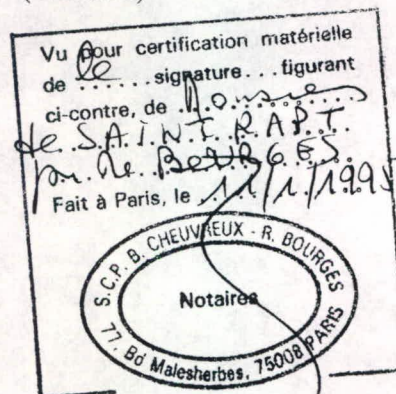
PRESIDENT

Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Seal/Stamp

(Notaire)



EXHIBIT

Certif. #	Date Status Begins	Crop	Variety Name
7600032	09/15/77	Lettuce	Vanagara
7600039	12/08/77	Lettuce	Morangold
7605018	09/28/77	Marigold	Cabaret Orange
7800028	05/31/79	Muskmelon	Valley Gold
7800033	12/21/78	Radish	Fancy Red
7800086	01/25/79	Lettuce	Deep Red
7900038	01/14/82	Garden Bean	Blue Duet
7900039	07/15/82	Garden Bean	Score
7900066	11/27/79	Cauliflower	Snowball 123
8000020	07/31/80	Muskmelon	Top Net
8000082	12/10/81	Lettuce	Delmar
8100167	3/29/85	Lettuce	Yuma
8100172	09/29/83	Lettuce	Van Mor
8200027	04/23/83	Lettuce	El Toro
8200045	09/23/82	Turnip	Royal Gem
8200061	03/24/83	Watermelon	Sun Gold
8200068	12/30/82	Egg Plant	Little Fingers
8200104	10/28/82	Tomato	Advantage
8200105	11/26/82	Tomato	Moran 3053
8300024	12/30/83	Radish	Red King
8300113	08/31/84	Muskmelon	Top Net SR
8300155	02/22/85	Celery	Bishop
8300156	01/25/85	Celery	Deacon
8300172	11/29/85	Tomato	Harris Morgan 3075
8400013	2/19/88	Lettuce	Greenfield
8600032	03/11/88	Tomato	Murrieta II

Expired
Expired
Expired

PLANT VARIETY PROTECTION REGISTRATION ASSIGNMENTS

Clause, S.A. to Harris Moran Seed Company

WHEREAS, Clause, S.A. ("Assignor"), a corporation organized and existing under the laws of France, has sold and transferred assets, including plant variety protection registrations, to Harris Moran Seed Company ("Assignee"), a corporation organized and existing under the laws of the State of Maryland;

WHEREAS, Assignor, is the owner of the following plant variety protection registrations:

<u>VARIETY NAME</u>	<u>Registration No.</u>	<u>Issue Date</u>
BLUE DUET	7900038	01/14/82
SCORE	7900039	07/15/82
TOP NET SR	8300113	08/31/84
TOP NET	8000020	07/31/80
SNOWBALL 123	7900066	11/27/79
BISHOP	8300155	02/22/85
DEACON	8300156	01/25/85
LITTLE FINGERS	8200068	12/30/82
EL TORO MI	8200027	04/28/83
DELMAR MI	8000082	12/10/81
GREENFIELD MI	8400013	02/19/88
VAN MOR MI	8100172	03/29/83
YUMA MI	8100167	03/29/85

RED KING	8300024	12/30/83
MORAN 3053	8200105	11/26/82
ADVANTAGE	8200104	10/28/82
HARRIS MORAN 3075	8300172	11/29/85
ROYAL GEM	8200045	09/23/82
SUN GOLD	8200061	03/24/83

WHEREAS, Assignor is desirous of selling and Assignee is desirous of acquiring the aforesaid plant variety protection registrations of Assignor.

NOW THEREFORE, for \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor, by these presents sells, assigns and transfers to Assignee, its successors and assigns, all right title and interest in and to the above-referenced plant variety protection registrations, to be held and enjoyed by said Assignee, as fully as the same would have been enjoyed by said Assignor, had this assignment not been made.

Assignor also assigns and transfers to Assignee, any and all causes of action, claims, demands, or other rights occasioned from or because of any and all past infringement of any of the above referenced plant variety protection registrations.

Assignor further agrees that upon request, it will execute any and all documents necessary to vest all rights, title and interest in and to the above-referenced plant variety protection registrations

IN WITNESS WHEREOF, said Assignor, has affixed its signature hereto this 22 day of

January, 1997.

CLAUSE, S.A.

By: 

Name: John W. Fowler

Title: Chairman

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

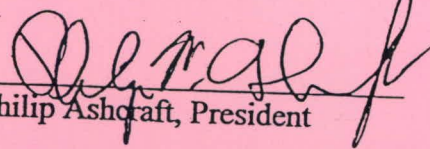
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordings thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

1400010

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

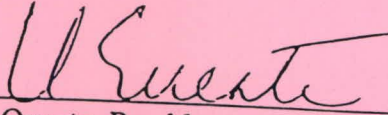
To the Secretary of State
State of California

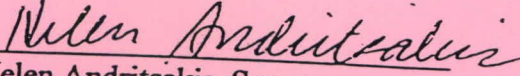
Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
 - One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.


Yves Queste, President


Helen Andritsakis, Secretary

State of California



SECRETARY OF STATE



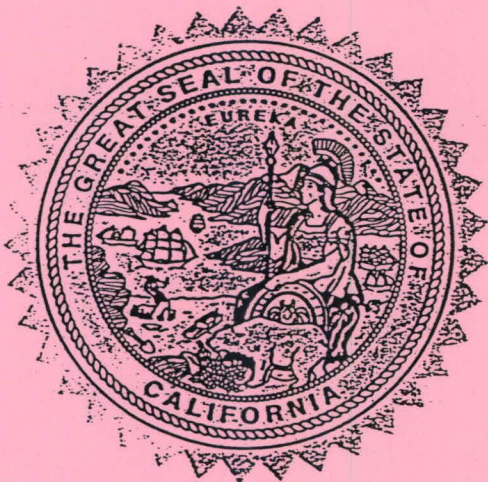
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I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

JUN 30 1937

*Bill Jones*

Secretary of State

